

REPORT TO THE DEVELOPMENT CONTROL COMMITTEE Report No.

Date of Meeting	15th October 2007
Application Number	08/01929/COU
Site Address	Melbourne View, Brinkworth, Wiltshire, SN15 5DA
Proposal	Change Of Use Of Land For Enlarging Existing Gypsy Caravan Site For 3 Extra Touring Caravans
Applicant	Robert Knowles
Town/Parish Council	Brinkworth
Grid Ref	387887 185122
Type of applications	Change of Use

Reason for the application being considered by Committee

This application has been submitted to the Committee for decision under the scheme of delegation in force after the 8th April 2002 because 5 letters of objection have been received

Summary of Report

The proposal is to extend an existing authorised gypsy site to allow for the siting of an additional 3 touring caravans at the site (increasing the total number of caravans from 6 to 9).

The site is in the countryside and the key points to consider are the impact of the increase in caravans on the site on:

- Highway safety
- Sustainability and access to services/facilities
- Residential amenity
- The amenity of the countryside
- The requirement for additional Gypsy sites

Key policies in determining this application are Policies C3 and H9 (Gypsy Sites)

Officer Recommendations

Planning Permission be GRANTED

Contact Officer	Brian Taylor	01249 706683	briantaylor@northwilts.gov.uk
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Proposal and Site Description

The site is an existing 'gypsy' site granted permission for six caravans. An original permission for one mobile home and two touring vans (allowed on appeal) was extended to allow a further 3 touring units (allowed on appeal). This proposal extends the site beyond the previously agreed limit to accommodate a further three touring caravans.

The site is located to the south of the B4042 between Brinkworth and Malmesbury. The site is divided from the main road by a belt of trees, although the site is visible through the recently widened access. Views of the site reveal the mobile home style caravan, the other vans and vehicles largely concealed behind fencing.

Planning History		
Application number	Proposal	Decision
04.03614.FUL	Siting of one mobile home and two touring caravans for residential occupation by single Romany traveller family.	Refused (allowed on appeal)
07.00462.S73A	Variation of Condition 2 of 04.03614.FUL Relating to No More Than Five Touring Caravans and Alteration to Access	Refused (allowed on appeal)

Consultations

Brinkworth Parish Council do not support the application as it is contrary to:

Policy C3 (i), (ii), (iii) and (vii) and Policy H9 (criteria (i) and (ii) and paragraph 9.28

Wiltshire County Council Highways comments below:

"I am aware of the previous applications for the initial site (N04.3614) and for an increase in touring caravans (N07.0462) both of which went to appeal and were subsequently allowed. I note that the previous increase was considered acceptable partly because it would only result in one additional family member on site and the resulting increase in vehicle movements would be negligible. It is not apparent why the need for further touring caravans, over and above those already permitted, has arisen, and whether it will result in an increase in vehicle activity. Further information would be useful in order to make a balanced judgement; however, in the absence of any supporting evidence and in view of our previous concerns, I feel bound to recommend that this application be refused on highway grounds for the following reason(s):

1. The proposed development by introducing additional conflicting turning vehicle movements to this fast section of the B4042 class II road would interfere with the free flow of traffic and would be detrimental to highway safety.

2. The proposal, located remote from services, employment opportunities and being unlikely to be well served by public transport, is contrary to the key aims of PPG13 which seeks to reduce growth in the length and number of motorised journeys."

Representations

Letters of objection have been received from 4 local addresses.

- Poor location far from shops schools or other facilities
- Lack of public transport and footpaths will lead to use of private cars increasing traffic on already busy road
- Access has poor visibility
- Detrimental effect on neighbouring residents

Planning Considerations

Principle of development

An application for the siting of a mobile home and two touring caravans for travelling Romany family was refused planning permission (under delegated powers) in February 2002. The application was refused on the grounds that the introduction of additional turning movements on this stretch of road would have an adverse effect on highway safety and that the site was located remote from local facilities.

The Inspector considered that there were three main issues: the effect of the development on highway safety and free-flow of traffic; the effect of the proposed development on patterns of travel, particularly private vehicle use; and whether any conflict or harm could be outweighed by other material concerns, including the need for Gypsy sites.

On the first issue, the Inspector considered that though well used the road is not so busy that even the sorts of traffic movements one would expect from permanent dwellings would cause significant harm to the free flow of traffic. Visibility to or from the access exceeds the 215m standard. He considered the reports from local residents of the number of accidents along this stretch of road, but considered that most of them had not been close to the site. He concluded that the development would not cause unacceptable harm to highway safety and the free flow of traffic.

On the second issue the Inspector concluded that there would be some harm to patterns of travel, especially private vehicle use, and that this would conflict with the aims of national guidance such as PPG13.

On the third issue the Inspector considered that there are clearly shortfalls in authorised site provision at the national and regional levels. He concluded that there appears to be a need for more gypsy sites locally. The applicant, he concluded, does not have a strong case for living at this particular location. Whilst being in the countryside the site is not exceptionally remote and there is no other more locationally sustainable site readily available. In these circumstances he concludes that the degree of harm to patterns of travel is less significant than the unmet need for gypsy sites locally. The conflict with national guidance is therefore outweighed by other material considerations.

The appeal was allowed subject to a number of conditions which included restricting use of the site by gypsies only and that no more than three caravans (one mobile home and two touring caravans) should be located at the site.

The applicants have co-operated with Council Officers and made efforts to comply with all the conditions set out by the Inspectors decision letter. Although the strict time constraints set out by the Inspector have not always been complied with Officers have been satisfied that sufficient progress has been made that any enforcement action would not be necessary or expedient.

The original application was specifically for one mobile home/static caravan and two touring vans. The proposal was to accommodate various members of a single family: Mr and Mrs Knowles and son (mobile home); Mr and Mrs Knowles' other son, his wife and 4 children (touring caravan); and Mr and

Mrs Knowles' daughter and her husband (touring caravan). The Inspector restricted the occupation of the site to gypsies (as defined by the Caravan Sites and Control of Development Act 1960). He also restricted the number of caravans (as defined by the same act) to be located on the site to 3 (one static and no more than two touring vans) and the number of commercial vehicles (which are not to exceed 3.5 tonnes) to 3, although no commercial activity is to be carried out from the site.

A further application to increase the number of touring caravans allowed on the site from 2 to 5 was submitted in 2007 (07/00462/S73A). The applicant indicated that the additional caravans were to accommodate his mother (1); his son, who was originally to live in the mobile home (2) and his other sons' children (3). In effect there would only be an increase of one family member (the applicant's Mother) over the numbers the Inspector was considering. There was not proposed to be any increase in commercial vehicles (vans). In assessing this application the Council considered what effect the increase in the number of caravans would have on matters previously considered by the appeal Inspector.

Members refused the application on the following (highways based) grounds:

- 1. The proposed development by introducing additional conflicting turning vehicle movements to this fast section of the B4042 class II road would interfere with the free flow of traffic and would be detrimental to highway safety.*
- 2. The proposal, located remote from services, employment opportunities and being unlikely to be well served by public transport, is contrary to the key aims of PPG13 which seeks to reduce growth in the length and number of motorised journeys.*

That decision was appealed and the appeal was allowed.

The Inspector concluded that one additional family member living on the site would be unlikely to significantly increase the number of vehicle movements and that the development would not unduly prejudice the free flow of traffic along the B4042. In relation to sustainability and access to services the Inspector agreed with the previous Inspectors conclusions (summarised above). There were no other matters that the Inspector felt would lead him to dismiss the appeal.

This application seeks to increase the number of touring caravans on the site from 5 to 8. On this occasion there is no statement to suggest that the caravans are to be used by members of the same family.

Impact on amenity

It was considered by the Council in determining the original application that the site was relatively well screened from public views and that it would have a limited impact on the countryside. The site has now been occupied for around three years and it is easy to assess its impact. The access has been widened and some of the trees at the front of the site have been removed. However, views into the site from public vantage points are restricted. Views from the road reveal fencing screening most of the caravans and activity from public view. Landscaping has been implemented on the other boundaries and these will, over time help screen the fencing in longer and private views.

Two of the additional caravans are to be located outside the original fenced area. Whilst the parts of the caravans may be visible from public views these will be in the context of existing caravans and vegetation and the additional impact on views and the countryside will be limited.

The impact on residential amenity was considered by the local authority to be acceptable at the time of the previous applications and appeals. This judgement was not contradicted by either Inspector. However, this application extends the 'developed' part of the site closer to residential properties to the east (Elm Cottages) and this issue is relevant. He proposed touring vans will be at least 50 metres from the boundary of the nearest dwelling (at present the distance is around 65.0m). Officers do not believe the impact upon the neighbouring properties will be so significant as to warrant refusal subject to introduction of further landscaping.

Highways and Access

The local highways authority have recommended that the application be refused on similar grounds to the previously refused applications.

The Inspector at the original appeal assessed the impact of the development on highway safety. He acknowledged local residents concerns regarding the accident record of the stretch of road, but also commented that there were no recorded personal injury accidents within 300 metres of the site. He acknowledged that the development would result in an increase in the number of turning movements at the access but this would be unlikely to cause significant harm to the free flow of traffic. He commented that visibility from the access satisfied various recognised standards. The Inspector concluded that the proposed development would not cause unacceptable harm to highway safety and the free flow of traffic.

The Inspector at the second appeal (to increase the number of caravans) concluded that one additional family member living on the site is unlikely to significantly alter the number of vehicle movements and that development would not unduly prejudice the free flow of traffic.

The local highway authority have concluded that further increasing the number of caravans on the site as this application proposes will have a detrimental effect on highway safety. Unlike the earlier application the three caravans proposed will not necessarily have any family connection to the applicant. So rather than increasing the number of residents on the site by only one (as the Inspector concluded) this application may increase the number of residents by a greater number. However, this is now an authorised gypsy site and both Inspectors concluded that the access was reasonably well located with good visibility within a 50 mph zone. Neither considered the road to be so busy that the traffic movements associated with permanent dwellings would cause significant harm to the free flow of traffic.

Members will be aware that Officers are generally very supportive of the expert advice received from the local highways authority. In this case (as with the earlier applications) the decision relating to the highways impact of the proposal is, in your Officer's view, finely balanced. The principle of the use has already been established, so it is the impact of any additional traffic movements resulting from the increase in the number of touring caravans that has to be assessed. It is your own officers' view that the increase in vehicle movements will be relatively minor and given that neither Inspector had concerns or misgivings in this regard a refusal reason may be difficult to sustain.

Sustainability

The Council's second refusal reason was in principal accepted by the Inspector. The site is remote from services and is contrary to the key aims of Planning Policy Guidance Note 13 which seeks to reduce the growth in length and number of motorised journeys. However, other material considerations (in this case the unmet need for gypsy sites locally) outweighed this conflict with national policy.

The question is whether the material considerations still outweigh that policy objection. In the three years since the first Inspectors decision (in September 2005) and 12 months since the second Inspectors decision (September 2007) the situation in terms of unmet gypsy need has not changed significantly. The requirements to address the needs of gypsies are considered to be legitimate and proportionate.

Other issues.

During previous applications concern has been raised by residents regarding the possibility of extending the site. At that time Officers advised that it would be difficult to increase the numbers further within this site and that the small size of the site will naturally restrict its capacity. It was stated that any proposal to extend the size of the site or accommodate caravans outside the existing defined area would need a separate application. This application will extend beyond the previously defined limits into a paddock area to the east. This area has always been in the applicants ownership and the fence that defined the eastern boundary was erected specifically to define the site (unlike for example the southern and western boundaries which are 'historic'). A judgement has to be made as to whether extending beyond the eastern boundary will have any significant detrimental impact. It is not considered that public views or the wider nature of the landscape will be affected by this, but it clearly has some additional impact on the residential properties to the east.

Conclusion

The impact on the amenity of the surrounding area and local residents is not considered to be significantly affected by the increase in the number of caravans on the site.

Whilst the highways authority have raised objections regarding the impact on highway safety and sustainability this issue is considered to be finely balanced. Bearing in mind the Inspectors comments on the recent appeal it is recommended that the application be permitted subject to conditions.

Recommendation

Planning Permission be GRANTED subject to the following conditions:

1. The development hereby permitted shall be carried out strictly in accordance with the approved plans subject to such minor amendments to the development as may be approved in writing under this condition by the local planning authority.

Reason: To ensure that the development is implemented in accordance with this decision in the interests of public amenity, but also to allow for the approval of minor variations which do not materially affect the permission.

2. This permission does not authorise use of the land as a caravan site by any other persons other than Gypsies, as defined in Section 24(8) of the Caravan Site and Control of Development Act 1960 as amended (or any Act revoking or re-enacting that Act).

Reason: In order to define the permission and prevent unauthorised uses.

3. No more than nine (9) caravans as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, of which no more than one shall be a static caravan or mobile home and no more than eight (8) shall be touring caravans, shall be stationed on the site at any time. The site being defined by the red line on the 1:1250 scale plan submitted with the application.

Reason: It is important for the local planning authority to retain control over the number of caravans on the site in order to safeguard interests of visual and residential amenity in accordance with policies C3 and H9 of the North Wiltshire Local Plan 2001 Wiltshire Local Plan 2011.

4. No more than three commercial vehicles shall be kept on the site for use by the occupiers of the caravans hereby permitted, and each shall not exceed 3.5 tonnes in weight.

Reason: In the interests of residential amenity, highway safety and the character of the countryside.

5. Except for the keeping of commercial vehicles as defined in condition 3, above, no commercial activity or use, including the storage of materials and waste, shall be carried out on the site.

Reason: In the interests of residential amenity, highway safety and the character of the countryside.

6. Notwithstanding the provisions of the town and Country Planning (General Permitted development order 1995 (as amended) (or any order revoking , re-enacting or modifying that Order), no gates, fences, walls or other means of enclosure shall be erected other than in accordance with condition 6

Reason: In the interests of the appearance and character of the rural area

7. The development hereby permitted shall not be commenced until details of the landscaping of the site, in particular the east and south boundaries, have been submitted to, and approved in writing by, the local planning authority. Details shall include:

- (a) details of all proposed tree and shrub planting, including species, number, sizes and positions, together with seeded/turfed areas;
- (b) details of fencing;
- (c) details of any hard-surfaced areas such as driveways, parking areas and footpaths.

The approved landscaping scheme shall be implemented within one year of either the first occupation or use of the development, whether in whole or in part, or its substantial completion, whichever is the sooner, and shall be maintained thereafter for a period of not less than five years. The maintenance shall include the replacement of any tree or shrub which is removed, destroyed or dies by a tree or shrub of the same size and species as that which it replaces, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of the visual amenity of the area and to ensure the creation of a pleasant environment for the development and to comply with Policy C3 of the North Wiltshire Local Plan

Informative:

1. This decision relates to documents/plans submitted with the application, listed below. No variation from the approved documents should be made without the prior approval of this Council. Amendments may require the submission of a further application. Failure to comply with this advice may lead to enforcement action which may require alterations and/or demolition of any unauthorised buildings or structures and may also lead to prosecution.

Plan References

Site plan at 1:1250 scale and Block Plan (not to scale) received 11th August 2008

Reason for Decision

The proposed additional caravans will have limited impact on the amenity of the surrounding area, amenity of local residents, highway safety or key aims of national and local guidance on reducing the length and number of motorised journeys. The application is considered to comply with Policies C3 and H9 of the North Wiltshire Local Plan 2011.

Appendices:	None
Background Documents Used in the Preparation of this Report:	1.20, 2.02, 4.02, 4.04, 5.01, 5.04